

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 300 of 2003

Friday, this the 30th day of May, 2003

CORAM

HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER
HON'BLE MR. K.V. SACHIDANANDAN, JUDICIAL MEMBER

1. Manjula Radhakrishnan,
Hindi Translator,
Doordarshan Kendra, Kudappanakunnu,
Thiruvananthapuram.Applicant

[By Advocate Mr. T.A. Rajan]

Versus

1. Union of India, represented by the Secretary,
Ministry of Information and Broadcasting,
New Delhi.
2. Prasar Bharathi Broadcasting Corporation Ltd.,
New Delhi represented by the Chief Executive.
3. The Director General,
Doordarshan Kendra, Copper Nicus Marg,
New Delhi.
4. The Director General,
AIR News Services Division, Akashavani,
Parliament Street, New Delhi.
5. The Director, Doordarshan Kendra,
Kudappanakunnu, Thiruvananthapuram.
6. The Senior Administrative Officer,
Doordarshan Kendra, Kudappanakunnu,
Thiruvananthapuram.Respondents

[By Advocate Mr. P.J. Philip, ACGSC]

The application having been heard on 30-5-2003, the
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

The applicant, who was initially appointed as a Lower Division Clerk in the Union Public Service Commission, Delhi, got appointment as Stenographer Grade-III in Doordarshan Kendra, New Delhi and thereafter she was transferred to and posted at Doordarshan Kendra, Trivandrum based on her request.

2

While so, the applicant was posted as Hindi Translator in the same office on transfer on deputation basis with effect from 6-4-1998. While she was continuing so, by Annexure R1 order dated 4-4-2003 the applicant was ordered to be relieved from the post of Hindi Translator on repatriation to the post of Stenographer Grade-II and was directed to report for duty at Doordarshan Kendra, Kodaikanal. The applicant is aggrieved against this order and she challenges the same mainly on the ground that the post of Hindi Translator at Doordarshan Kendra, Trivandrum, which she is occupying on deputation basis, is a permanent post and that she is otherwise entitled for regularization in accordance with the rules as she has put in nearly five years service in that capacity. It is also stated that if at all she is repatriated from the deputation post, she ought to be accommodated in her substantive post of Stenographer Grade-II at the same station in Trivandrum, since that is the post where she came on request transfer from New Delhi. She has also highlighted the personal reasons like her two daughters studying in Trivandrum and that her husband is working in the Income Tax Department, Trivandrum. Following are the main reliefs sought for:-

- "i) to call for the records leading to order No.2(6)2003-AI/DKT dated 4.4.2003 of the 5th respondent and set aside the same;
- ii) to declare that the applicant is not to be transferred from the post of Hindi Translator is entitled for regularization in the said post as she had completed more than three years in that post as per Rules; and
- iii) In alternative declare that on repatriation the applicant is entitled to be posted as Stenographer Grade II at Doordarshan Kendra, Thiruvananthapuram."

2. The applicant has also made a prayer for a direction to be issued to the 4th respondent to consider her Annexure A3 representation along with Annexure A4 recommendation.

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3. A reply statement has been filed by the respondents opposing the OA by stating that the applicant is holding only a deputation post and that it had been made quite clear to her at the time of posting her that on her repatriation she should be posted to anywhere in India where a clear vacancy existed. It is also pointed out that already the applicant's deputation term had been extended twice on the basis of her representations. According to the respondents, there is no vacancy in the cadre of Stenographer available in Doordarshan Kendra, Trivandrum at the moment and therefore, the best that the respondents could do was to accommodate her in Doordarshan Kendra, Kodaikanal.

4. Since it was agreed that on the basis of the reply statement the OA could be disposed of, the matter was taken up for further consideration and accordingly we have heard Shri TA Rajan, learned counsel for the applicant and Shri PJ Philip, learned ACGSC appearing for the respondents. At the time of hearing it was agreed by both the counsel that the OA could be disposed of by directing the 4th respondent to consider the applicant's A-3 representation in the light of the recommendations contained in A-4 forwarding letter of the 6th respondent.

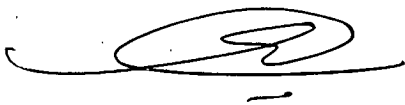
5. On going through the records and having regard to the submissions made by the learned counsel on either side, we consider it proper to dispose of the OA by directing the 4th respondent to take into account the special facts and circumstances of the case and pass appropriate orders on A-3 representation of the applicant, in the light of the favourable recommendations made by the 6th respondent as per A-4 letter, within a reasonable time. We direct the 4th respondent to do so. In view of this direction, it is also considered necessary

2.

to order the respondents not to relieve the applicant and to allow her to continue in the present position of Hindi Translator on deputation basis till A-3 representation is disposed of and a copy of the consequential order is served on her. We order accordingly.

6. The Original Application is disposed of as above with no order as to costs.

Friday, this the 30th day of May, 2003



K.V. SACHIDANANDAN
JUDICIAL MEMBER



T.N.T. NAYAR
ADMINISTRATIVE MEMBER

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